

DELEGATE CHABOT: No, sir, this only goes to make sure he has the power to make the appointment and does not discuss at all the power of withdrawing the appointment or removing the person appointed.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman, I just do not understand that last answer.

I wonder if I could ask the sponsor again: If the attorney general may appoint such assistants as prescribed by law, does he also have the power to remove such assistants without any reference to the law?

THE CHAIRMAN: Delegate Chabot?

DELEGATE CHABOT: In order to answer that, Delegate Gleason, with certainty, I would have to know exactly the way in which this provision in the same word has been interpreted in the present Constitution.

My primary purpose here was to insure that he had the power to make his appointments as he now has in the present Constitution. I was not intending to give him greater power, merely to preserve the present power that the Constitution already gives him.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: May I suggest to the sponsor that a little research before these amendments are proposed might be in order because if he has the power to remove such assistants then you have effectively removed the power from the General Assembly, the power to put such assistants under the merit system.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: If that is the consequence of this language, because that is the power he now has, then I would wish him to continue to have that power. I think that we have seen just recently the potential consequences in the case of one administrative agency in the county of the General Assembly's power to shift around as partisan politics dictates, the power of appointment of members of a particular office and the objective of this was to retain the same independence that the attorney general now has with regard to the matter of deputies and assistants.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: May I suggest as my last question or comment to the sponsor that if that is the present power and you are intending that that power be

continued, you are giving a power to the attorney general that even the governor does not have because his employees would be under the merit system, except heads of the departments.

I might suggest that the Chairman of the Committee might consult with his Committee as to whether they intend to foreclose these people from being under the merit system.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Delegate Chabot, in view of the fact that we have already considered, I am thinking back over what we have done and we have provided for clerks of the court without spelling out that they have authority to appoint deputies and we have provided for a comptroller without provision in the constitution that he have a right to appoint deputies or assistants. We provided for state's attorneys without any constitutional provision that they have authority to appoint deputies or assistants, and we have been told this morning that the governor has authority to appoint general counsel without a specific provision in the Constitution and such other staff persons as he desires.

Why do you suggest that there is a need for a constitutional provision giving that authority to the attorney general and making an exception for him contrasted with all these other constitutional officials?

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: I believe every one of the constitutional officials that you have described has been treated differently in some major manner by this Convention. With regard to the clerks of the court, the purpose of our decisions earlier was that the relevant judge in each particular case, have power over the clerk, and I assume that he would have power over the clerk's appointees to the extent that the legislature takes it away. However, in any event, I do not think this Convention envisioned any great likelihood of political controversy between that appointing judge and the General Assembly itself. With regard to the various other officials that you mentioned, the comptroller conceivably apart from his secretaries could perform all the functions we have given him by himself without any professional assistance.

I suggest that the remaining officers are not of such a stature. I would have wished to see a different sort of attorney general set forth in the constitution if any was to be set forth, but the Convention having